App. F. IX-4

1926.7 SA

SA File No. 86.26.

Previous References

SRA-25(2-7)

Serial Nos. 172.

Later References

S&A 11-31 (26, 59, 60, 61)

General and Revenue Secretariat.

Serial Nos. Two.

Part B for Jan 27

SUBJECT

Forwards the records relating to the grant of pension to Kencha, deceased Forest Guard, Sarekoppa Range - Shimoga Division and recommends to the grant of a gratuity to his family.

Secs. 2.

To The Comptroller to Government
The Conservator of Forests
The Heads of Departments
The Deputy Commissioners of Districts
The Secretaries to Govt.

No. FR 5446-505 of 13.1.27.

Lays down the rules for the grant of gratuity instead of pension in the case of inferior servants subject to certain conditions

AP
9/5

GENERAL AND REVENUE SECRETARIAT.

NOTES.

File No. 106-2

FILE HEADING.

question of granting gratuity to deceased ~~late~~ guard Kencha, Secretariat Range

From

The Conservator of Forests

No. 13698 Dated 17.8.26. Received 18-8-26.

Diary No. 1001	Enclos. 1 file	Spare Copies. -	Serial No. 1

BRIEF ABSTRACT OF LETTER.

States
Recommends that as the guard who has done good work died ~~soon after~~ only 12 days after his application for pension and as he has put in over 36 years service, he cannot get gratuity but only pension for 12 days and recommends therefore the grant of a gratuity as a special case.

NOTES AND ORDERS.

Age 63 years.
Service = 36 11/12 years
Leave taken 0.6.17

Applied for pension 19.10.24
Died - 31.10.24

1) pension Rs 7/- a month.
gratuity received 30 x 9 = Rs 270

28/8/26

Submd for orders. Under Art 334 M.S.R. gratuity in lieu of pension is inadmissible. The Conservator therefore recommends the case for the special orders of Govt. Financial concurrence necessary as the case falls outside the ru

It is a very hard case deserving special treatment. If

28/8/26

WD 1881—GPB—30 000—1-8-21

WD 01264—GPB—40,000—17-12-25

General and Revenue Secretariat | File No. 106 of 1926 | App. F. III—2]

Serial No.

may be consulted—
R Sec'y) WD 30/8/26

Fin'l Secy) with Compts GR 30/8/26 WD 30/8

FINANCIAL SECRETARIAT 31. AUG. 1926

3) This is a very peculiar case. This particular guard has put in over 30 years of service thus entitling him to a pension. Therefore, under the existin rules nothing more is payable to the widow other than the small amount of pension that was due to the deceased prior to his death.

4) But it is submitted that there is a curious anomel about this. If this man had put in less than 30 year of service, his survivors would have got gratuity because under the interpretation of the rules given in the case of Abdul Khader of the Comptroller's Office and several others if a menial entitled to gratuity applies for gratuity and dies before the same is sanctioned it is presumed that the necessary certificates would have automatically been obtained and gratuity is sanctioned. In the present case, this man died after applying for gratuity but under the rules he was eligible to pension because he had put in more than 30 years service. Therefore no gratuity was admissible. So, by putting in longer service than 30 years his survivors are in an adverse position. This anomaly may perhaps be rectified and in such cases gratuity sanctioned and made payable to the survivors.

File of Abdul Kaum put up.

FINANCIAL SECRETARY 4 OCT. 1926

Fin'l Sec'y 5) (1) are there any precedents?
A/S. Fin. (2) If the principle is accepted in this case, why should not relief be given even when no application

B 2/10

3—Contn. Sheet

WD 01264—GPB—40,000—17-12-25

General and Revenue Secretariat

File No. 1067 of 192 0

Serial No.

7E695

was no time in - The application for probate has no validity, for if the man had lived he would not have been entitled to it under the Act.

4.10.26.

6) 1. There are no precedents.

(2) with re-to this Govt attention is invited to sec 306 'A'. This is merely an extension of that principle.

5/10/26.

FINANCIAL SECRETARY
8 OCT 1926
No.

7) (Govt) Under the rules in force no relief by way of grant of probate in cases as recommended by the Commissioner is possible -

6.10.26.

8 OCT 1926
INDUSTRIES & COMMERCE BRANCH.

9 C. Br. 8

Mr. Secretary - It is a hard case; & points to the need for effecting changes in the existing rules.

Sec'y D)

4143
14/10.

9) The note of the Ass't Secretary, Finance, para 4 above describes the injustice caused in the present case. Some special consideration is required at least in the present case even if the rules are not changed.

NOTE—Contn. Sheet

1st Member)

WD 01229—GPB—37,500—1-9-26
App. F. III—2]

eneral and Revenue Secretariat

X File No. 1050 of 192

Serial No.

DEWAN'S OFFICE.
Received on
16. OCT. 1926
Reg. No. 2870

10 This is a hard case, & in the case of menials at least, the rule may well be changed suitably, so that the family might not suffer by reason of a man having put in longer service. The right of electing gratuity or pension in cases where a menial is entitled to pension might perhaps be granted; & the benefit given in this case.

A | Please submit to Dewan & 2nd M. for favour of consideration.

Dr
15/10

Dr
15.10.26.

WH
15/10

Dewan)

11

Gratuity may be sanctioned as a special case.

12 The present rule does seem somewhat anomalous. The question of monetising it or otherwise may be separately considered.

B | Mn
17.10.26

4314
18/10

13 Submitted for Perusal.

Dr
18.10.26.

1st member 14 Order may issue. Fin see A & B. Fin see & may kindly put up a note.

WH
18/10

Dr
19/10

WH
19/10

Dr

NOTE—Contn. Sheet

WD 01229—GPE—37,500—1-9-26
App. F. III—2]

General and Revenue Secretariat

File No. 106 of 1926

Serial No.

16 Draft letter for approval and 21.10.26 (Sec'y D) WP 24/10

17 Please bring up in person with GPR 31.10.26. M.S.R

18 Sec'y D on 2/10/26 + took instructions Revised draft Sec'y D as instructed WP 6/10/26 19 Draft for approval Sec'y D) WP 11/11

FINANCIAL SECRETARY
24 NOV. 1926
No. 1239

Fe 14469

Finl Secy with comts } 20 For remarks GPR 21.11.26

21 The sanction is not covered by any rule in the M.S.R. I believe this has to be treated as a Schedule matter. WP 22/11

22 It would be desirable to defer issue of orders in this case till the general question is settled. Otherwise it would be difficult to resist similar claims in view of this precedent.

23 I beg to make this representation on behalf of the financial dept. K 24.11.26

Sec'y D) WP 26/11/26.

GEN. & REV. SECRETARIATE
26 NOV. 1926
DEVELOPMENT BRANCH.

Council matter.

24 This may be referred to the Chief Secy for consideration in Council

WP 30/11

5505 29/11

25 1st member Dewan) Lee 30/11/26 GPR 30.11.26

Ch Sec'y) WP 29/11 WP 30/11/26

WP 1/12/26

NOTE—Contd. Sheet

(For Disposal at a Meeting)

No. C. 179
of 1926-2

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clauses xii & xiii of the schedule)

Question of grant of gratuity to deceased guard, Kencha, Sakrebyle Range.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

Chief Secretary to Government.

1st December 1926

Extraordinary Member of Council.

First Member of Council. (Seen by the member)

3719
1/12

Second Member of Council. Vide Minute written

Serial No.

26 I do not think it is right to accord any special treatment to this one particular case. It is really representative of a class of cases in which the working of the present rules is anomalous as observed by the Dewan. Whatever relief is afforded in this case should be extended to all similar cases.

27 Our present Pension Rules are based upon the principle enunciated in Sections 241 (a) and 532 M.S.R. The operation of this principle is often unfair, and in fact, under the present arrangement, the short-lived pensioners pay for the long-lived pensioners and the injustice of this arrangement as it affects the dependents of the former, is obvious. Any alteration of this principle is a basic change in the Pension Regulations and it requires careful consideration. The only satisfactory solution of the difficulty is to replace, as far as possible, the present arrangement by a system of Provident Fund.

28 It is not possible, in the circumstances stated above, to afford relief in cases in which officers die in harness. Where, however, an officer retires from service and the rules permit him to take only a pension, some relaxation might be allowed to enable him to take, at his option, a gratuity in lieu of pension. This concession may be limited to officers in inferior service. These officers can now get gratuity for service

Serial No.

up to 29 years, and pension for service of 30 years and more. Where an officer has rendered service of 30 years or more and is entitled under the rules only to a pension -- vide article 334 M.S.R. -- I do not see any great objection to permitting him to take a gratuity instead. The maximum gratuity admissible to an inferior servant is that calculate for 29 years' service and this maximum may, I think be allowed in exchange for the pension admissible for service of 30 years or more.

29. There is one additional feature in this particular case and it is that the Guard had not actually retired but had only applied for retirement. How such cases should be dealt with has already been decided in article 306 A, and the benefit of it may be extended to cases in which the service rendered is 30 years or more, but which are treated as those for grant of gratuity and not for pension according to the proposal made above.

30 The case may again be referred to the Financial Secretary for the consideration of the above suggestion.

Mull
2/1/27

31 To Fin Sec

Accepted

~~P.W.D.~~

~~Public Works~~
Secretariat.

C179 8

File No. of 192 .

Serial No.

FINANCIAL SECRETARY
17 DEC. 1923
No. 1582

82 In the scheme of Service Regulations in Mysore modelled on those of the British India the pension right is assessed at a higher value than gratuity. The latter is given for short service, i.e., for service less than the minimum period required for pension, whether superior or inferior. Premature invaliding of an inferior servant when he has nearly completed 30 years of service is discouraged.

83 The underlying object in the grant of pensio by Govt. is to provide provision to their employees in old age. The principle of treating pension as deferred pay has not been recognised. The rule that an officer entitled to pension should not take gratuity instead is, to my mind, akin to a piece of social legislation. Even in permitting commutation of pensions, there is a wholesome rule that a certain portion of the pension will remain uncommuted.

84 While there may be cases where the rule prohibiting an employee from exchanging his pensio to gratuity might be considered as operating as a hardship in leaving the family destitute, the grant of the option to take gratuity to a pensioner with an average expectancy of life would ultimately not be to his own interest. Taking the case under discussion (Age.63, Pension admissible Rs.7) as an illustration and ignoring the fact of his death, the commuted value of the pension according to the revised Government of India table would be(Rs.89.1 x

NOTE —Contn. sheet.

W.D. 02654 GPB 0001· 17—4—24

Serial No.

= 624 but the gratuity calculated for 29 years of service is Rs. $\frac{29 \times 15}{2} = \frac{435}{2} = 217\frac{1}{2}$ only which is about 1/3rd of the commuted value of the pension. The grant of the option to convert the pension right to gratuity will not be helpful to a pensioner of average expectancy of life and none but an impecunious applicant will ordinarily exercise the option. It is only in cases of impaired life when the average expectancy is doubtful and the pensioner does not expect to live that the option would be advantageous.

55 Under the existing rules, inferior servants may be kept on in service without age limit and they are expected to be ordinarily discharged when they are physically unable to perform their duties. The maximum pension admissible to them is Rs.8 while the pay of some of them goes up to Rs.33. Taking the case of an inferior employee on Rs.33 whose age is 73 (this is not hypothetical), it will be seen that the commuted value of his pension on the assumption that he is of average expectancy of life is about Rs.464. With the exercise of option of taking gratuity in lieu of pension, he will be entitled to a lumpsum of Rs. $\frac{33 \times 29}{2} = 478$. To this amount he will have claim without the production of any medical certificate and even if he should die a day after preferring an application, his family will be entitled to this amount.

W.D. 02654 GPB C001 17—4—24

P.W.D.

~~Public Works~~
Secretariat.

File No. of 192 .

Serial No.

36 While thus in the ordinary class of cases, the proposed concession will not be of material benefit to an employee, it would confer an undue advantage to certain others who happen to stick on to service and retire in extreme old age. The grant of unrestricted permission to take gratuity instead of pension in the latter class of cases will, to my mind, increase the superannuation charges.

37 While I consider that, under present conditions, some relaxation in the rigidity of the rule prohibiting the grant of gratuity to one who is entitled to pension, may be permitted, I venture to suggest that the option may be allowed only in cases where it would appear to be helpful to the pensioner or his family, keeping in view the interests of the general taxpayer also.

38 With these observations, I beg to offer the following proposals for consideration:-

(i) The option to take gratuity instead of pension may for the present be limited to pensioners on the inferior scale as minuted by the Second Member. + Addition

(ii) Every application for the grant of gratuity in exchange of pension ~~might~~ may be sanctioned by Government on consideration of the merits. An impecunious applicant of ordinary health should not be permitted to exercise the option. Pension is unattachable. (A)

(iii) The gratuity admissible (for 29 years) may be calculated (as under the existing rule i.e., 29 X half pay but the maximum may be limited to Rs.240 i.e., 30 X 8 which is the highest pension admissible to an inferior servant.

NOTE—Contn. sheet.

W.D. 02654 GPB 0001 17—4—24

C 179

(1)

~~P.W.D.~~

~~Public Works~~
Secretariat.

File No. of 192

Serial No.

(iv) The new order should not have any retrospective effect but the few applications pending before Government, may however be disposed of under this rule, the benefit of the ruling in Art.532 being also extended to them.

OFFICE OF THE
SECRETARY TO COUNCIL,
8 DEC. 1926
No. 3873.

Second Member)

7.12.26

3rd I agree. We must carry out & enforce the condition referred to under (ii) but it may stand.

Mcq
9.12.26

4th
1st Member I agree. The case in question should be considered as a special one for an appointment as mentioned in para 2 of the Govt order.

Ag
9/12/26

NOTE—Contn. sheet.

W.D. 02654 GPB 0001- 17—4—24

C179 12

xtract from the Proceedings of the 788th *Meeting of the Council of His Highness the Maharaja, held at Bangalore on the* Thursday the 9th Dec. 1926 *19* .

41

119. Subject. Clause XIII of the schedule.

Question of grant of gratuity to deceased guard, Kencha, Sakrebyle Range.

Opinion of the Council.

The proposals of the Financial Secretary contained in his Note dated the 7th December 1926 omitting the condition referred to under (ii) may be approved.

FINANCIAL SECRETARY
11 DEC. 1926
No. 1752

"EXTRACT"

Chief Secretary to Government.

WD 1471—GPB—2,000—1-7-21

43 To Rev Secy
Opn favour of
Subn & Draft Rules
with a Draft Order
P
17

44 a/c. Sir.
Please put up a
draft of case
P
10/12

D2510

WD 01229—GPB—37,500—1-9-26

App. F. III—2]

General and Revenue Secretariat

File No. (13

of 192

Serial No.

45. Draft F. N. Subd :- (A typed draft will be put up after approval)

By 13/12 HK 14/12/26.

46) Fair draft

By 13/12

47- Fair draft subd

By 13/12 HK 15/12/26.

By 16/12

DEWAN'S OFFICE. Received on 22 DEC. 1926 Reg. No 4664

FINANCIAL SECRETARY 18 DEC. 1926 No. 19447

20 DEC. 1926 No. 4235

2nd reminder h 18/12

Init DS

Mee 24/12/26

2061 22/12/26

Subd with a DSN.

SN 22/12/26.

Dewan) h 22/12

Jm 22/12

NOTE—Contn. Sheet

Submitted to His Highness.

I submit herewith a Final Note by the Second *Member of Council on the subject ~~of~~* - Question of grant of gratuity to the family of the deceased Kancha, Forest Guard, Sakrebyle Range, Shimoga District.-
for His Highness' gracious approval.

Mirza M. Ismail

Dewan.

Bangalore.
Dated 22nd December 26.

Final Note by the Second Member of Council.

Subject:—

Question of grant of gratuity to the family of the deceased Kancha, Forest Guard, Sakrebyle Range, Shimoga District.

R. The Conservator of Forests in his letter No.13698 dated 17th August 1926 stated that Guard Kancha applied for the grant of a gratuity and died within twelve days of the application and recommended that in view of the good work done by him and of his long service of about 36 years, a gratuity might be sanctioned as a special case in lieu of pension due to the deceased for his life.

2. Under the rules in force, no relief by way of grant of gratuity is possible as the applicant was entitled only to a pension. The First Member considered this a hard case and suggested that, in the case of menials at least, the rule might well be changed suitably so that the family might not suffer by reason of a man having put in longer service , that the right of electing gratuity or pension in cases where a menial is entitled to pension might be conceded, and, that the benefit be given in this case.

Page 4 of this note.

3. When the papers were submitted to Dewan, he observed as follows:-

Pages 5 of this note.

"Gratuity may be sanctioned as a special case."

"The present rule does ~~not~~ seem somewhat anomalous. The question of modifying it or otherwise may be separately considered."

4. The question of modification of the rules was discussed in my note dated 2nd December 1926 and I also considered that some relaxation by way of permitting inferior servants

Pages 6 & 7 of this note.

to elect gratuity instead of pension was necessary.

5. The Financial Secretary to whom the file was then referred, submitted the following rules for consideration:-

Paras 10 & 11 of Abstract Notes

(i) The option to take gratuity instead of pension may be limited to pensioners on the inferior scale.

(ii) Every application for the grant of gratuity in exchange of pension may be sanctioned by Government on consideration of the merits. An impecunious applicant of ordinary health should not be permitted to exercise the option. Pension is unattachable.

A.

(iii) The gratuity may be calculated for 29 years as under the existing rule; i.e., 29 x half of pay at retirement; but the maximum to be limited to Rs 240, i.e., 30 x 8.

(iv) The new order should not have any retrospective effect; but the few applications pending before Government may, however, be disposed of under this rule, the benefit of the ruling in Article 532 A. being also extended to them.

6. The subject was considered in Council at the meeting held on 9th December 1926 and it was resolved that "the proposals of the Financial Secretary contained in his note dated 7th December 1926, omitting the condition* referred to under (ii), may be approved."

V.

*portion marked A in (ii)

7. The Resolution of the Council may be graciously approved.

M. N. Narasimha Rao

Bangalore,
22nd December 1926.

MEMBER OF COUNCIL.

5510

Record of Cases submitted for the O
of His Highness the Maharaja.

Subject.

Question of grant of
the family of the deceased
Guard, Sakrebyle Range, Shi

541

Order.

27/12/26

2214

FOR PERUSAL
OF H.H'S ORDERS.

6764
29/12

FIRST MEMBER. 31/12

4473
29/12

SECOND MEMBER. Please issue order early
Dec 31.27

1001

2570

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Subd. orders in regard to the grant of gratuity to the family of the deceased Kooka, Forest Guard, Sakrebyle Range, Shimoga Dt. (F. 106-26.) has to issue in the Forest Dept and Communicated to the Comptroller through the H. Branch.

The issue of A & C slips modifying the rules for the grant of gratuity in Cases of persons will be dealt with in the H Branch -

If the above view is correct the file has to be sent on to the ~~H~~ H B^r (Development Br^h)

4/1/29.

Subd. Forest

of the note it is

N.B —Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

WD 01229—GPB—37,500—1-9-26

General and Revenue Secretariat

File No. 106 of 1926.

Serial No.

Seen that the general order should issue first & the pending cases dispose of under Rule IV of the proposed Rules in the matter.

It appears therefore that orders should be deferred in the cases in the file till the issue of the general order revising the rule.

To facilitate disposal ~~of~~ alternative draft order is ~~put~~ put up along with the draft already in the file disposing of the case of forest-guard Kencha:

orders are requested as to which draft should be issued.

6.1.27.

Ans. Sec. for favour of remarks

Fin. Br. with comps. 7/1

Kind attention is invited to para 22. Now that one legal question has been settled, the order as to Kencha's gratuity has to issue.

FINANCIAL SECRETARIAT
7 - JAN. 1927
FL 1994-26

NOTE—Contn. Sheet

WD 01229—GPB—37,500—1-9-26

General and Revenue Secretariat

A File No. 106 of 1926

Serial No.

FE 1994-26

FINANCIAL SECRETARY
No. 2413.

Two drafts are put up on the file. Draft I relates only to Kenchi's case and draft II contains both Kenchi's case and the revised rates.

The order with regard to Kenchi should issue from the Forest Section and the final order and the Act steps to be taken in the Trade Dept.

So draft II is not tenable.

Draft I may issue from the Forest Section with the addition "Separate order with issue on the question of the revision of the rates". Then Trade Dept. will take necessary further action.

Trade Secy) 8/1

Please put-up a typed draft of the order & Act steps to be taken.

(There has been delay in the issue of orders).

10/1/27.

FINANCIAL SECRETARY
11 JAN. 1927
No. 2499.

2556 12/1/27

Subs. with typed fair draft.

11/1/27.

Trade Secy) 11/1

In personal charge

Issue out

Notes 12/1. (2.1.27) 2nd meeting 4/1

OFFICE OF THE SECRETARY TO THE GOVT. OF INDIA
12 JAN. 1927
No. 4731

NOTE—Contn. Sheet

09143

TEL: ADDRESS "FORESTCON"

OFFICE OF THE CONSERVATOR OF FORESTS IN MYSORE.

No. 13697 / 4 M.

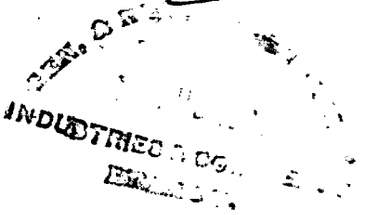
Dated Bangalore, 17/8/1926.

H. 106-26-1

1007

FROM

B. V. RAMAIENGAR, ESQ., B.A.,
Conservator of Forests in Mysore.



C.Ranganatha Rao Sahib, Esquire, B.A., B.L.,
Secretary to the Government of Mysore,
Revenue Department, Bangalore.

SIR,-

I have the honour to state that First Grade Guard Kencha of the Sacrebyle Range, Shimoga Division is reported to have died of a swelling in the leg on 31-10-24. He was in active service for over 36 years and on medical leave from 16th May 1924 to the date of his death. The date of his birth and the date of entry into service as entered in the service register are 1861 and 1-12-87 respectively. As such the Guard must have been over 63 years of age with a total service of 36 years 11 months at the time of his death. The guard had applied to the Range Officer, Sacrebyle on 19-10-24 (i.e., about 12 days before his death) for the grant of gratuity as a special case instead of pension in consideration of his long service of about 38 years. Both the Range Officer and the District Forest Officer certify that the Guard has rendered meritorious service both as a Guard and also as a local Shikari and that during the period of his entire service he has taken only 1 month 10 days' leave without allowance and 5 months 7 days leave on medical certificate. They recommend that a gratuity may kindly be sanctioned as a special case. He has left behind him a widow aged 46 years, 3 sons and a daughter.

The Guard is entitled to pension at Ps.7/-p.m. under Article 340(b) of Mysore Service Regulations; but in consideration of the strong recommendation made by the District Forest Officer Shimoga as well as of the long and good service rendered by the Guard, a grautity instead of pension may be sanctioned as a

as a special case, as he has left a large family behind him. Otherwise he would be only leaving Rs.2-15-0 in the shape of pension for his family not-with-standing his long and good service.

I request that orders of Government may be kindly obtained in this matter and communicated to me.

I have the honour to be,

Sir,

Your most obedient servant,

B.R. Ranganujam

Conservator of Forests.

TG/12-6-26

A 99. 601 of 21

Revised commutation table in substitution of the existing table in Appendix 10, C.S.R.

(F.D letter no 962. E.B. of 20-7-21.)

I am directed to forward herewith an advance copy of the revised commutation table which will supersede the existing table in Appx 10. to C.S.R and to request that it may be brought into use forthwith.

The G of I. have also decided that before final sanction to the commutation of pension the applicant should be informed of the amount he will become entitled to, & asked whether he accepts the commutation. & I am to suggest that the Local Govt may adopt a similar procedure. Formal orders on this point will issue shortly.

Revised Commutation table.

Nearest exact age.	Present value of a monthly pension of one Rupee for life.	Nearest exact age.	Present value of a monthly pension of one Rupee for life.
35	158·2	56	109·4
36	156·3	57	106·7
37	154·3	58	103·8
38	152·3	59	101·0
39	150·2	60	98·1
40	148·1	61	95·1
41	146·0	62	92·1
42	143·8	63	89·1
43	141·6	64	86·0
44	139·4	65	82·9
45	137·1	66	79·8
46	134·8	67	76·6
47	132·4	68	73·5
48	130·0	69	70·4
49	127·6	70	67·2
50	125·1	71	64·2
51	122·6	72	61·1
52	120·1	73	58·1
53	117·5	74	55·2
54	114·8	75	52·2
55	112·2	76	49·4
		77	46·7

Fair draft

S.O

Proceedings of the Government of
H.H. the Maharaja of Mysore.

*****

Read:-

Letter No.13698 dated the 17th August 26 from the Conservator of Forests, forwarding the records relating to the grant of pension to Kencha, deceased Forest Guard, Sacrebyle Range, Shimoga Division, and recommending for reasons given the grant of a gratuity to his family.

*****

Order No. H S-446-3-05/S-8 SA86-2

Dated, Bangalore, ..4.3.:.1.....192

The Guard in question who had put in a service of over 36 years and was over 63 year of age, went on leave on medical certificate on 16th May 1924 and on account of ~~the~~ continued illness applied for the grant of a gratuity on 19th October 1924. Subsequently he died on 31st October 1924. It is reported that the Guard was on the date of application entitled to a pension of Rs.7/- per mensem. As the rules stand at present, a person entitled to a pension has no option to take a gratuity instead. Though under the explanation to Art.532, read with art 307 M.S.R. the Guard may be deemed to have been retired on medical certificate, his heirs can get only ~~a very small amount~~ a sum of Rs.2/- and odd representing the pension for the 12 days during which

the guard lived after his application for gratuity.

The Conservator states that in cases of the kind, the longer service put in by the ~~Guard~~ an officer should not act prejudicially to the interest of his dependents and he ~~recommends~~ that a gratuity may be granted in the present instance as a special case.

Government consider that the ~~limitation~~ restriction imposed in Art.340, M.S.R. works as a hardship in some cases and that a partial relaxation ~~in the way of liberalising the pension rules~~ of it may be permitted in respect of inferior servants. ~~They~~ Govt. are accordingly pleased to sanction the following rules as exceptions to Art.334, M.S.R.:-

(i) Option to take gratuity instead of pension may be given to pensioners on the inferior scale.

(ii) the gratuity will be calculated for 29 years as under the existing rule, i.e., 29 x half of pay at retirement, the maximum gratuity admissible in lieu of pension being limited to Rs.240/-.

These rules will not have any retrospective effect but the few applications including that of Kencha above referred to pending before Government will be disposed of under the ~~revised rule~~ order.

The Conservator is requested to forward the pension papers of the late guard to the Comptroller for sanctioning the gratuity admissible in accordance with the foregoing directions.

An addenda and corrigenda slip to M.S.R. will issue separately.

11.1.27

Secretary to Government.

To
The Comptroller, with ~~(illegible)~~ pension papers of Kencha.
~~Conservator of Frts.~~
Heads of Departments
Deputy Commissioners
Secretary Govt.

S. O.

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS

G. O. No. Fl. 5446-505/S. & A. 86-26-1 Bangalore Dated, 13th January 1927.

Gratuity instead of Pension.

Rules for the grant of———in the case of inferior servants subject to certain conditions.

Read:—

Letter No.13698 dated the 17th August 1926 from the Conservator of Forests, forwarding the records relating to the grant of pension to Kencha, deceased Forest Guard, Sacrebyle Range, Shimoga Division, and recommending for reasons given the grant of a gratuity to his family.

ORDER No.Fl.5446-505/S.& A. 86-26-1 DATED 13TH JANUARY 1926.

The Guard in question who had put in a service of over 36 years and was over 63 years of age, went on leave on medical certificate on 16th May 1924 and on account of continued illness applied for the grant of a gratuity on 19th October 1924. Subsequently he died on 31st October 1924. It is reported that the Guard was on the date of application entitled to a pension of Rs.7 per mensem. As the rules stand at present, a person entitled to a pension has no option to take a gratuity instead. Though under the explanation to Article 532 read with Article 307, Mysore Service Regulations, the Guard may be deemed to have been retired on medical certificate, his heirs can get only a sum of Rs.2 and odd representing the pension for the 12 days during which the guard lived after his application for gratuity.

The Conservator states that in cases of this kind, the longer service put in by an officer should not act prejudicially to the interest of his dependents and therefore commends that a gratuity may be granted in the present instance as a special case.

Government consider that the restriction imposed in Article 340, Mysore Service Regulations, works as a hardship in some cases and that a partial relaxation of it may be permitted in respect of inferior servants.

Government are accordingly pleased to sanction the following rules as exceptions to Article 334, Mysore Service Regulations:—

(i) Option to take gratuity instead of pension may be given to pensioners on the inferior scale.

(ii) The gratuity will be calculated for 29 years as under the existing rule, i.e., 29x half of pay at retirement, the maximum gratuity admissible in lieu of pension being limited to Rs.240.

These rules will not have any retrospective effect but the few applications including that of Kencha above referred to pending before Government will be disposed of under this order.

The Conservator is requested to forward the pension papers of the late guard to the Comptroller for sanctioning the gratuity admissible in accordance with the foregoing directions.

An addenda and corrigenda slip to M.S.R. will issue separately.

B. SRINIVASA IYENGAR,
Financial Secretary to Government,

To—The Comptroller to Government.
The Conservator of Forests with pension papers of Kencha.
The Heads of Departments.
The Deputy Commissioners of Districts.
The Secretaries to Government.

Fair draft

SA86-26-2

Draft A & C. Slip to M. S. R.

Page 101. Art. 334.

Insert the following exception to this article:-

Exception:- Option to take gratuity instead of compensation and invalid pension may be allowed in the case of inferior servants subject to the following conditions

(i) the gratuity will be 29 ~~years~~ x half month's pay at retirement and

(ii) the amount of gratuity shall be limited to Rs.240/-.

By Order,

11.1.27

Financial Secretary to Gott.

To

The Comptroller to Government.
" Superintendent, Government Printing.

2 No 769 22.1.27

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Page 101. *Article 334.*

Insert the following exception to this article:—

EXCEPTION.—Option to take gratuity instead of compensation and invalid pension may be allowed in the case of inferior servants subject to the following conditions:—

(i) the gratuity will be 29 x half month's pay at retirement and

(ii) the amount of gratuity shall be limited to Rs. 240.

No. Fl. 5799-800—S. & A. 86-26-2, dated 22nd January 1927.

(No. 75, dated 22nd January 1927.)

N. B.—Should routine notes be written on small slips the notes must b cipoed, or slips pasted on this form.

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

N. B.—Should routine notes be written on small sl ps the notes must be cipoed, cr slips pasted on this form